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Application No. 09/936,840
Docket No. 741890-18**REMARKS**

The following remarks are submitted to be fully responsive to the Official Action of November 30, 2004. Reconsideration of this application in light of the remarks and the allowance of this application are respectfully requested.

Claim 13 stands rejected under 35 U.S.C. §102 as being anticipated by Brinkerhoff et al. In response, it is admitted that Brinkerhoff et al. discloses a surgical sealing device including a fixing means and a sealing portion. However, Brinkerhoff et al. nowhere suggests a sealing means in the form of a bladder filled with a gel or a liquid. Claim 13 specifically recites a bladder filled with one of a liquid and a gel. Brinkerhoff et al. only suggests an inflatable sealing device for inflation with air. Thus, Brinkerhoff et al. does not disclose or even suggest using liquid or a gel in the inflatable device. Therefore, since Brinkerhoff et al. fails to disclose a specific feature clearly recited in claim 13, Brinkerhoff et al. does not anticipate the present invention as recited in claim 13. Thus, it is respectfully requested that this rejection of independent claim 13 be withdrawn.

It should be noted that independent claim 13 was previously added to protect the present invention in the form of a surgical device having a body cavity engagement means and a fixing means in the form of a ring wherein the body cavity engagement means is adjustable by positioning of the ring to define an access port and create a seal between the incision and the body cavity engagement means in combination with an additional seal in the form of a toroid cell comprising a bladder filled with one of a liquid and a gel. Neither Brinkerhoff et al., nor other prior art, such as Hermann et al., suggest alone, or in combination, the combination of elements recited in independent claim 13. Neither Brinkerhoff et al. nor Hermann et al. suggest a body cavity engagement means that is adjustable by positioning of a ring to create a seal between the incision and the body cavity engagement means. The Brinkerhoff et al. design

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nowhere suggests that a seal is created between the inner layer of the toroid section and the patient's body by adjustment of stiffening ring 20. In fact, Brinkerhoff et al. specifically requires the inflation of the toroidal section for a seal to be created. Likewise, Hermann et al. nowhere suggests that the positioning of a ring creates a seal between the incision and the body cavity engagement means. Therefore, it is believed that the present invention as recited in independent claim 13 is not obvious in view of any prior art of record.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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Date: May 2, 2005

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